



Land Use and Zoning Meeting Minutes

March 25, 2016

STAFF:	Monica Jordan
MEETING DATE:	March 24, 2016

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:30 p.m. by Ms. Jordan.

Attendance was taken by sign-in sheet. The following members were present: Messrs. Bernard, Falcone, Kenyon, Morse, Terriaco, Valentic and Ms. Diak. Staff: Monica Jordan.

Next, staff asked if there was any Public Comment. Hearing none, staff proceeded with the next item on the agenda, which was Committee Business. Staff announced that three district amendments were submitted by Leroy Township and one text amendment was submitted by Concord Township.

Concord Township – Zoning Text Amendment: Amending Table of Contents, Section 5 (Definitions), 15 (Residential Districts), 16 (PUD), 22 (Commercial and Industrial Districts), 35 (Airport District), and 36 (Site Plan Review); Creating Section 17 (Riparian Setbacks)

Staff stated that Section 17, Riparian Setbacks, is being created and that Sections 5, 15, 16, 22, 35, and 36 are being amended to include regulations for riparian setbacks.

Staff stated that a significant portion of Concord Township's 2015 Comprehensive Plan Update is devoted to riparian setbacks, including the following points:

- Page 44 of Concord Township's 2015 Comprehensive Plan Update states: "Consider adoption of local Riparian Setback maps and standards which would be applicable to all developments, including RCDs. This action would provide specific standards for the existing resource protection regulations in the Zoning Resolution at 16.25G2... The Committee learned from a presentation by Dan Donaldson, Director of the Lake County Soil and Water Conservation District, about the District's ability to assist the Township to prepare and administer Riparian Setback Maps. It recommended that the Township work with the LCSWCD to prepare maps and standards with the intent of minimizing the impacts of development on water resources, including water quality and the intensity of storm water flows. This is an especially important step in light of the storm water impacts experienced in several neighborhoods of the Township in 2014. It will also be a useful additional tool for evaluating and regulation future RCD subdivisions."
- The section, "Additional Recommendations re: Riparian Setbacks and Gas/Oil Wells", on page 45 of the Comprehensive Plan Update, states: "Committee discussion regarding riparian setbacks and gas/oil well protections in the RCD District expanded to suggestions that similar protections may be appropriate in other zoning districts, including other residential districts, but possible also any locations where habitable

structures are permitted. The Committee recommends that the Zoning Commission and Township Trustees evaluate the potential for applying these protections throughout the Township.”

- Page 46 of the Comprehensive Plan Update provides a draft Riparian Setback Guidance map.

Next, staff provided comments for the proposed text amendments:

- The term “watershed” is used in Section 17.01, “Purpose and Intent”, but is not defined in Section 17.02, “Definitions”.
- The Riparian Setback Guide map can be referenced in the regulations and not actually included in the regulations. As watercourses may be rerouted, the map may need to be updated.
- The provided Riparian Setback Guide map shows the incorrect location of some watercourses, including watercourses that have been rerouted.
- Agricultural buildings with a reference to Section 6.01 (B), “Agricultural Use Exemption”, is not mentioned in Section 17.
- There is not a reference to riparian setbacks being added to Section 6.01 (B), “Agricultural Use Exemption”.
- Wetlands can be mitigated. The regulations do not reflect this fact.
- Section 17.04, “Establishment of Designated Watercourses and Riparian Setbacks”, should reference wetlands in the title, as criteria included in this section apply to wetlands.
- Section 17.04 (A), “Designated watercourses shall include those watercourses meeting any one (1) of the following criteria”, should include language in the section title, as well as criteria, for wetlands.
- Section 17.04 (D)(5) states “Any costs associated with the review or obtaining of the necessary wetlands delineation, review, or plan may be assessed to the Applicant”. The term “assessed” may not be appropriate language for the intent of this regulation.
- The Lake County Subdivision Regulations specify that watercourses with a 0 to 2.5 square mile watershed will have a setback distance of 25 feet on each side of the stream (Article IV, Section 8 (B)(2)). The proposed amendments in Section 17 of the Concord Township Zoning Resolution require a minimum of 50 feet on each side of all watercourses determined to be a Class III Primary Headwater Habitat Stream. Some Class III watercourses in Concord Township drain to a watershed less than 0 to 2.5 square miles. Subdivisions that have been previously designed to accommodate a 25-foot riparian setback will now have to adhere to a 50-foot riparian setback upon enactment of these regulations, which may infringe upon the ability of property owners to fully utilize their properties without submitting a variance (i.e. the construction of a shed). This will only affect subdivisions that were submitted from 2003 to present day (13 subdivisions). If these regulations are adopted, Lake County Planning and Community Development staff will enforce the zoning requirement and not the requirement of the Lake County Subdivision Regulations.
- The 50-foot riparian setback instituted for Category 3 wetlands may affect the ability of some property owners to fully utilize their properties.

Mr. Valentic asked staff if they would be available to assist Concord Township with the identification and correction of inaccurately located streams shown on the Riparian Setback Guide map. Staff responded that they would be available to assist.

Staff offered the following recommendations for this zoning text amendment:

- Add a definition for “Watershed” in Section 17.02, “Definitions”.
- Remove the Riparian Setback Guide map from the regulations.
- Review the Riparian Setback Guide map for watercourses that may have been rerouted and make amendments as necessary.
- Reference riparian setbacks requirements in Section 6.01 (B), “Agricultural Use Exemption”.
- Reference Section 6.01 (B), “Agricultural Use Exemption”, in Section 17.
- Add language that states that wetlands have the potential to be mitigated, and provide a definition for “Wetland Mitigation” in Section 17.02, “Definitions”.
- Revise the title of Section 17.04 to state: “Establishment of Riparian Setbacks for Designated Watercourses and Wetlands”.
- Revise Section 17.04 (A) to state: “Designated watercourses or wetlands include those watercourses or wetlands meeting any one (1) of the following criteria:”
- Add Section 17.04 (A)(3): “All wetlands or watercourses created through the development process.”
- Add Section 17.03 (G): “At the discretion of Concord Township, original riparian setbacks for designated watercourses and wetlands relocated during the development process may no longer be applicable upon relocation of the designated watercourse or wetland”.
- Revise Section 17.04 (D)(5) to state “Any costs associated with the review or obtaining of the necessary wetlands delineation, review, or plan may be at the **expense** of the Applicant”.

Mr. Morse made the motion to recommend the zoning text amendment with staff's recommendations.

Mr. Terriaco seconded the motion.

Ms. Jordan asked if there were any questions or comments.

All voted “Aye”.

Motion passed.

Leroy Township – Zoning District Amendment: B-2, Special Interchange, to I, Industrial and Manufacturing (PPN 07A0340000150)

Staff stated that the district amendment involves 14.00 acres of land in Leroy Township directly south of I-90. The district amendment was requested by JJJ Properties, LLC. The applicant proposed to zone the subject parcel from B-2, Special Interchange, to I, Industrial and Manufacturing.

The subject parcel is currently zoned B-2, Special Interchange. Parcels to the east are zoned R-2, Residential (3 acres), parcels to the south are zoned I, Industrial and Manufacturing, and parcels to the west are zoned B-2, Special Interchange. I-90 is located directly north of the subject parcel.

The subject site currently sits vacant. The land to the east includes parcels both vacant and semi-public, where a former youth camp currently sits vacant. Land to the south is currently being utilized for industrial uses. Land to the west includes vacant parcels, as well as a parcel being used for commercial uses, and includes a gas station with a convenience store.

The 2005 Comprehensive Plan Map shows the proposed use for the subject parcel as Interchange Zone. It also shows the parcels to the east as Rural Residential and parcels to the south and west as Interchange Zone.

The 2005 Comprehensive Plan proposes the following attributes of the Interchange Zone:

- Attract public infrastructure
- Office/retail/restaurants
- Flexible setback and lot requirements
- Shared parking requirements
- Encourage new interior roads
- Avoid strip commercial pattern
- Minimize light and noise pollution
- Prohibit Travel Plaza/Truck Stops
- Prohibit residential development

Staff stated that a goal of the Comprehensive Plan includes: “LU-3-p1: Establish a commercial district oriented in a cluster at the I-90/Vrooman Road exit”.

Staff provided the following comments for the district change amendment:

- The most recent Leroy Township Comprehensive Plan is from 2005 (an update is currently in progress). As the community’s vision for its land use may have changed in the last decade, recommendations should not be solely based on the objectives of the Comprehensive Plan.
- If the Township would still like to encourage retail, office, or restaurant development on this parcel, due to its visibility from and close proximity to I-90, changing the zoning of this parcel would not be in the best interest of this community.
- From I-90 there is a clear view of this parcel. If this zone is changed from B-2 to I, then potential industrial uses permitted in this district will likely be visible from I-90.
- Due to the topography and streams located on the site, industrial development may not be suitable for this parcel.
- Potential commercial development may occur on the adjacent parcel to the east where the former youth camp is located. Proposed industrial uses on the subject site may not be suitable, as they may be visible from the street accessing the potential commercial uses on the adjacent parcel.

Staff recommended to disapprove the district change from B-2, Special Interchange, to I, Industrial and Manufacturing.

The Committee discussed the proposed use on this parcel, which is a portable asphalt and/or concrete plant, and recycling operation. The Committee emphasized the issues caused by the current plant located within close proximity to the subject parcel and determined that another similar use would not be in the best interest of the community.

Staff reiterated that if the intent is to develop this parcel for commercial use still exists, the rezoning would not be suitable for Leroy Township, especially due to the visibility and close proximity to I-90.

Committee members agreed that the intent of the Comprehensive Plan to develop this parcel as an Interchange Zone still remains.

Ms. Diak made the motion to disapprove the district amendment.

Mr. Valentic seconded the motion.

Ms. Jordan asked if there were any questions or comments.

All voted "Aye".

Motion passed.

Leroy Township – Zoning District Amendment: R-2, Residential, to B-2, Special Interchange (PPN 07A0320000110)

Staff stated that this district amendment involves 93.60 acres of land in Leroy Township south of I-90. The district amendment was requested by JJJ Properties, LLC. The applicant proposed to zone the subject parcel from R-2, Residential (3 acres), to B-2, Special Interchange.

The subject parcel is currently zoned R-2, Residential. Parcels to the north, east, and south are zoned R-2, Residential. Parcels to the west are zoned I, Industrial and Manufacturing, and B-2, Special Interchange. I-90 is located directly north of a portion of the subject parcel.

The subject site currently sits vacant. The land to the north includes I-90 and semi-public land where a former youth camp currently sits vacant. Paine Falls Park, which is operated by Lake Metroparks, is located to the north and east of the subject parcel. Uses to the south of the subject parcel include vacant land, agriculture, and residential. Land to the west of the subject parcel is currently vacant and the southern corner of the eastern portion of the parcel is being utilized as industrial.

The 2005 Comprehensive Plan Map shows the proposed use for the subject parcel as Rural Residential, as well as parcels to the north and east. Parcels to the south of the subject parcel are indicated as Existing Residential, and parcels to the west are shown as Interchange Zone.

The 2005 Comprehensive Plan proposes the following attributes of the Rural Residential:

- Increased minimum lot size (2-4 acres)
- Establish riparian setbacks
- Establish hillside regulations
- Low density residential
- Pursue access management regulations

Staff stated that a goal of the Comprehensive Plan includes: “LU-2-p5: Create a new “Residential – rural” zoning district, with a minimum lot size of two to four acres (0.8 to 1.6 hectares), for the area east of the Hell Hollow Wilderness area. The residential – rural zoning district should also be applied to areas with limited groundwater resources.”

Staff provided the following comments for the district change amendment:

- The most recent Leroy Township Comprehensive Plan is from 2005 (an update is currently in progress). As the community’s vision for its land use may have changed in the last decade, recommendations should not be solely based on the objectives of the Comprehensive Plan.
- The Comprehensive Plan indicates the intent to maintain the rural atmosphere on this parcel.
- This parcel is adjacent to Metroparks’ Paine Falls Park. The uses allowed in the B-2 District may not be suitable if a rural environment is desired for this portion of the Township.

Staff recommended to disapprove the district change from R-2, Residential, to B-2, Special Interchange.

The Committee asked why the shape of the parcel is irregular. Staff states that the cause for its irregular shape is unknown.

The Committee agreed that the intent of the 2005 Comprehensive Plan still exists, and that it is in the best interest of Leroy Township to maintain its rural atmosphere. They also stated that this parcel is directly adjacent to the Paine Falls Park, and that commercial development would impede the natural attributes located within and adjacent to the subject parcel.

The Committee also noted that the topography and location of natural resources, as well as the lack of access of utilities, will make this property difficult to develop.

*Mr. Bernard made the motion to disapprove the district amendment.
Mr. Morse seconded the motion.*

Ms. Jordan asked if there were any questions or comments.

*All voted “Aye”.
Motion passed.*

Leroy Township – Zoning District Amendment: R-2, Residential, to B-2, Special Interchange (PPN 07A0320000060)

Staff stated that this district amendment involves 78.77 acres of land in Leroy Township directly south of I-90. The district amendment was requested by JJJ Properties, LLC. The applicant proposed to zone the subject parcel from R-2, Residential (3 acres), to B-2, Special Interchange.

The subject parcel is currently zoned R-2, Residential. Parcels to the east and south are zoned R-2, Residential. Parcels to the west are zoned R-2, Residential, and B-2, Special Interchange. I-90 is located directly north of a portion of the subject parcel.

The use of the subject parcel is Semi-Public, and a former youth camp currently sits vacant on the eastern portion of the property. Paine Falls Park, which is operated by Lake Metroparks, is located east of the subject parcel. Uses to the south and west of the subject parcel include vacant land.

The 2005 Comprehensive Plan Map shows the proposed use for the subject parcel as Rural Residential, as well as parcels to the east and south. Parcels to the west are shown as Interchange Zone and Rural Residential.

The 2005 Comprehensive Plan proposes the following attributes of the Rural Residential:

- Increased minimum lot size (2-4 acres)
- Establish riparian setbacks
- Establish hillside regulations
- Low density residential
- Pursue access management regulations

Staff stated that a goal of the Comprehensive Plan includes: “LU-2-p5: Create a new “Residential – rural” zoning district, with a minimum lot size of two to four acres (0.8 to 1.6 hectares), for the area east of the Hell Hollow Wilderness area. The residential – rural zoning district should also be applied to areas with limited groundwater resources.”

Staff provided the following comments for the district change amendment:

- The most recent Leroy Township Comprehensive Plan is from 2005 (an update is currently in progress). As the community’s vision for its land use may have changed in the last decade, recommendations should not be solely based on the objectives of the Comprehensive Plan.
- The Comprehensive Plan indicates the intent to maintain the rural atmosphere on this parcel.
- This parcel is adjacent to Metroparks’ Paine Falls Park. The uses allowed in the B-2 District may not be suitable if a rural environment is desired for this portion of the Township.
- A former youth camp currently sits vacant on the property. A use allowed by B-2 may allow this property to be utilized to its full potential.

Staff recommended to rezone the portion of this parcel where the former youth camp is located from R-2 to B-2, but maintain the R-2 zoning for the majority of this property.

The Committee asked why staff was proposing that only a portion of this land be rezoned B-2, Special Interchange. Staff stated that by rezoning the portion of the parcel, where the former youth camp is currently located, it may be utilized to its full potential, as it currently sits vacant.

The Committee asked if the current zoning would allow for the previous use to be reestablished and determined that it would allow it to be utilized as a camp.

The Committee voiced concerns of having an isolated Business Interchange zone located amongst residentially-zoned parcels and stated that it would not allow Leroy Township to maintain its rural atmosphere. The Committee also stated that any commercial use allowed by the Business Interchange zone may be developed if the zoning district is amended.

Staff proposed that the original recommendation be amended to disapprove the rezoning of the entire parcel from R-2, Residential, to B-2, Business Interchange.

*Mr. Valentic made the motion to disapprove the district amendment.
Ms. Diak seconded the motion.*

Ms. Jordan asked if there were any questions or comments.

*All voted "Aye".
Motion passed.*

There was no other business. There was no public comment. The meeting adjourned at 7:05 p.m.